

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM KEMP, JR.,

Plaintiff,

Civil No. 08-12392

Hon. John Feikens

-vs-

UNITED STATES OF
AMERICA, et al.,

Defendants.

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

FILED
SEP 25 P 1:54

ORDER ADOPTING REPORT AND RECOMMENDATION

I have before me Magistrate Mona K. Majzoub's Report and Recommendation ("Report"). In her Report, Magistrate Majzoub recommends that "[T]his action should be DISMISSED without prejudice pursuant to 28 U.S.C. § 1915A because Plaintiff has failed to state a claim upon which relief may be granted." Plaintiff William Kemp, Jr. filed objections to this Report. I find that Magistrate Mazjoub has thoroughly and correctly analyzed the issues involved in this case and that Kemp's objections to the Report are meritless. Thus, I dismiss this case without prejudice.

Plaintiff William Kemp, Jr. is a prisoner housed at the Cooper Street Correctional Facility in Jackson, Michigan. Here, Kemp brings claims against the United States of America, the State of Michigan, and the United States Attorney General, and argues that this case falls within the Court's admiralty and maritime jurisdiction. Under 28 U.S.C. § 1915A, this Court screens complaints filed in civil actions in which a prisoner seeks redress from a governmental entity or

an employee of a governmental entity. Section 1915A requires this Court to dismiss the complaint or any portion of the complaint if it is “frivolous, malicious, or fails to state a claim upon which relief may be granted. . . .”

Kemp states that “the present case is one sounding in [statutory] admiralty and maritime jurisdiction. . . .” Plaintiff’s Complaint at 2. However, consistent with Magistrate Majzoub’s reading of the Complaint, this Court cannot discern any possible claim in that Complaint over which this Court could exercise jurisdiction.

Kemp has also filed eight objections to the Report. A “district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Federal Rule of Civil Procedure 72(b)(3). Kemp’s eight objections fail to identify any error in Magistrate Majzoub’s conclusion that this case must be dismissed. Kemp continues to argue that this Court does in fact have admiralty and maritime jurisdiction. For instance, he states that he is the “‘Libelant’ in an Admiralty/Maritime action” and continues to claim that “KEMP JR., WILLIAM FREDERICK” is a “‘Libelee’/Vessel.” Plaintiff’s Objections to Magistrate’s Report at 4-6. Individually, or as a whole, Kemp’s eight objections provide no reason why this Court should not accept Magistrate Majzoub’s recommendation.

For the reasons stated above, I adopt the Magistrate Majzoub’s Report and DISMISS this case without prejudice for failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

Date: Sept 25, 2008

John F. Kennedy
United States District Judge